



BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

8 February 2016

**Rainbow Live Music Venue, 29 Lower Trinity Street, Digbeth,
Birmingham, B9 4AG**

That having reviewed the premises licence held under the Licensing Act 2003 by Bow Leasehold Limited in respect of Rainbow Live Music Venue, 29 Lower Trinity Street, Digbeth, Birmingham, B9 4AG, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the premises licence be modified with the imposition of the agreed conditions between West Midlands Police and the premises licence holder submitted as amended during the meeting, as set out below, in order to promote the prevention of crime and disorder objective in the Act, and that the interim steps imposed on 14 January 2016 are lifted:-

- 1) On any occasion a multiple room or multiple venue event takes place the following conditions to apply:
 - a) A minimum of two undercover SIA operatives to be deployed in the Premises.
 - b) The following drugs policy, as set out below, shall be implemented:
 - i) Customers will be asked to open their mouths for a mouth inspection;
 - ii) Persons with long hair will be subject to a hair inspection.
 - iii) Contents of pockets will be emptied and bags checked, for example, sealed cigarette packets, lip balm, stash lighters, inhalers, tinned mints, perfume caps, umbrella's, torches etc.
 - iv) Legs will be checked. Any person suspected of concealing items will be required to proceed to the enhanced search area before entry can be granted.
 - c) On suspicion, selected persons will be escorted to an enhanced private search area where their shoes, socks and belts will be removed and a more thorough search carried out of them and their possessions.
 - i) All enhanced searches will be conducted by two security personnel in full view of CCTV.
 - ii) During an enhanced search UV torches will be used by search operatives.
 - d) All relevant staff, as agreed with West Midlands Police, to be trained in drugs

Members further noted the agreed conditions that were volunteered were an enhanced set of the previous interim steps and therefore determined it would be proportionate to have these imposed permanently onto the premises licence to address the totality of issues identified with a view to promoting the prevention of crime and disorder objective.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder and their legal representative.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.



BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE A

30 JANUARY 2017

The Arena, 18 – 19 Hack Street, Birmingham, B9 4AH

That, having reviewed the premises licence held under the Licensing Act 2003 by Bow Leasehold Limited in respect of The Arena, 18 – 19 Hack Street, Birmingham, B9 4AH upon the application of Chief Constable of West Midlands Police, this Sub-Committee hereby determines to:

- 1. SUSPEND LICENCE FOR THREE MONTHS, AND**
- 2. REMOVE DESIGNATED PREMISES SUPERVISOR (“DPS”)**

SUSPEND LICENCE

That the licence be suspended for a period of three months, in order to promote the prevention of crime and disorder/public safety/the prevention of public nuisance objectives in the Act.

The Sub-Committee's reasons for suspending the licence are due to concerns by West Midlands Police in relation to the matters set out within the Review Application and Grounds for the Review dated the 8 December 2016. It was evident from representations from both West Midlands Police and the Premises Licence Holder's legal representative, that there was some consensus between them on the Premises Licence being suspended, given that the premises undertook licensable activities on the 19 November 2016 in breach of the conditions attached to the Licence, or imposed as a result of the Safety Advisory Group recommendations prior to the event taking place.

The Sub Committee noted that the Premises Licence Holder's legal representative was of the opinion that a “modest suspension of the licence” was appropriate in order to address the matters set out within the Police evidence. The Police were quite clear that the Premises Licence Holder was breaching more than one condition on the Licence as a result of opening the venue on the 19 November 2016, as set out in the statement of Police Sergeant, Williams. The Police were currently considering whether they would prosecute the Premises Licence Holder in respect of the breach of conditions.

The period of suspension was deemed reasonable and appropriate in order for the Premises Licence Holder to work with the Police and review the existing Conditions of Licence, the policies and procedures the Venue operates, in particular those that may relate to risk assessments and contingency strategies to be deployed at the premises, when for whatever reason, the premises believes that it needs to consider

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence as proposed by the licence holders legal representative, but were not satisfied given the evidence submitted, that the licensing objectives would be properly promoted by modifying the conditions of licence as proposed, in isolation.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the applicant, the premises licence holder, their legal adviser and other persons.

All parties are reminded that under the provision contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates Court, such an appeal to be made within twenty-one days of date of notification of the decision.